

SO ORDERED.

Dated: March 3, 2020



Madeleine C. Wanslee
Madeleine C. Wanslee, Bankruptcy Judge

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re

KENNETH W. CASWELL

and

BRENDA M. CASWELL

Defendant

CHAPTER 13

CASE NO. 2-19-BK-13016-MCW

**STIPULATED ORDER CONFIRMING FIRST
CHAPTER 13 PLAN**

The Chapter 13 First Plan having been properly noticed out to creditors and any objection to confirmation having been resolved,

IT IS ORDERED confirming the First Plan ("Plan") of the Debtors as follows:

(A) INCOME SUBMITTED TO THE PLAN. Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.

(1) Future Earnings or Income. Debtors shall make the following monthly Plan payments:

Months	Amount
1-60	\$4,133

The payments are due on or before the 10th day of each month commencing November 10, 2019. Debtors are advised that when payments are remitted late, additional interest may accrue on secured debts which may result in a funding shortfall at the end of the Plan term. Any funding shortfall must be cured

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1 before the plan is deemed completed.

2
3 The Debtors shall provide to the Trustee copies of their federal and state income tax returns
4 for post-petition years 2019 -2023 within 14 days of filing them.

5
6 (2) Other Property:

7 (a) None. In the event other property is submitted, it shall be treated as supplemental
8 payments.

9 (B) **DURATION.** This Plan shall continue for 60 months from the first regular monthly payment
10 described in Paragraph (A)(1) above. If at any time before the end of the Plan period all claims are paid,
11 then the Plan shall terminate. In no event will the term of the Plan be reduced to less than 60 months,
12 exclusive of any property recovered by the Trustee, unless all allowed claims are paid in full.

13 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified as
14 listed below. The Plan and this Order shall not constitute an informal proof of claim for any creditor. This
15 Order does not allow claims. Claims allowance is determined by § 502 and the Federal Rules of
16 Bankruptcy Procedure. The Trustee shall receive the percentage fee on the Plan payments pursuant to 28
17 U.S.C. § 586(e), then the Trustee will pay secured creditors or allowed claims in the following order

18 (1) Administrative expenses:

19 Attorney Fees. Tom McAvity, shall be allowed total compensation of \$4,500. Counsel
20 received \$9 prior to filing this case and will be paid \$4,491 by the Chapter 13 Trustee.

21 (2) Claims Secured by Real Property:

22 (a) Quicken Loans Inc., secured by a first deed of trust in the Debtors' residence,
23 will be will be paid directly by the Debtors to the secured creditor. Trustee shall make no
24 payment to this creditor. Any post-petition mortgage fees and expenses shall be paid directly by
25 the Debtors to the secured creditor.

26 (3) Claims Secured by Personal Property:

27 (a) None.

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1 (4) Unsecured Priority Claims:

2 (a) None.

3 (5) Surrendered Property.

4 Upon confirmation of this plan or except as otherwise ordered by the Court, bankruptcy
5 stays are lifted as to collateral to be surrendered. Such creditor shall receive no distribution until the
6 creditor timely files a claim or an amended proof of claim that reflects any deficiency balance remaining
7 on the claim. Assuming the creditor has an allowed proof of claim, should the creditor fail to file an
8 amended claim consistent with this provision, the Trustee need not make any distributions to that
9 creditor. Debtors surrender the following property:

10 (a) None

11 (6) Other Provisions:

12 (a) Unsecured creditors shall be paid 100% of allowed claims before the Plan shall be
13 deemed completed

14 (7) Unsecured Nonpriority Claims. Claims allowance is determined by § 502 and the Federal
15 Rules of Bankruptcy Procedure. Allowed unsecured claims shall be paid pro rata the balance of the
16 payments under the Plan and any unsecured debt balance remaining unpaid upon completion of the Plan
17 may be discharged as provided in 11 U.S.C. § 1328.


18 (D)EFFECTIVE DATE AND VESTING. The effective date of the Plan shall be the date of this
19 Order. Property of the estate vests in Debtors upon
20 confirmation, subject to the rights of the Trustee to assert a claim to any additional property of the estate
21 pursuant to 11 U.S.C. § 1306.

22 **ORDER SIGNED ABOVE**

23 Approved as to Form and Content By:


24 
25 Russell Brown
26 Trustee


Russell Brown
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28 Tom McAvity
Attorney for Debtors

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1 The Debtors certify: All required State and Federal Income tax returns have been filed No
2 domestic support obligation is owed or, if owed, such payments are current since the filing of the Petition.

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4 
5 KENNETH W. CASWELL
6 Debtor

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8 BREND A M. CASWELL
9 Debtor

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